

Claims 1, 2, 4, 8 and 12-14 stand rejected under 35 USC 112, second paragraph.

Claims 11 and 14 have been cancelled, and the remaining claims have been amended to improve their form. Specific terms and phrases pointed out as being unclear by the Examiner have been changed or omitted or as follows.

In all of the remaining claims, the introductory portion has been changed from 'An outer layer' to 'An element for a consumer product, the element comprising a carrier and an outer layer'.

In claim 1, the phrase 'characterized in that' has been changed to 'wherein'. The phrase 'certain visual properties' has been deleted. The phrase 'a marking ▀ formed by at least a region' has been changed to the phrase 'at least a region (which has a different visual appearance) forms a marking'. The phrase 'the corresponding property of other regions' has been changed to 'different visual appearance'. The phrase 'other regions of said outer layer' has been changed to 'surrounding regions', referring to regions surrounding the region having a different visual appearance.

In claim 2, the term 'substantially' has been deleted. The meaning of the phrase 'integral with other portions' is adequately explained at lines 6-20 on page 3 of the specification, where it is stated:

'... the markings 4, 5 are formed in that visual properties - in this example shade of darkness and color - of regions 9 of the outer layer 3 exhibit a clearly visible difference from the corresponding visual properties of the other regions of the outer layer 3. In this example, the outer layer has a yellow ochre color, whereas the markings are of a darker color and more brownish. **Since the markings form part of the outer layer 3**, their presence has no substantial negative effect on the sliding properties of the outer layer, the protective effect of the outer layer 3, and the dust-repellent properties of the outer layer 3.

... it is further achieved thereby that the markings 4, 5 are formed integrally with other portions of the outer layer 3 ... (emphasis added).'

In claim 4, the term 'at least dull-translucent' has been changed to 'dull-translucent'. This term is used to describe a condition of the surface of the outer layer which enhances the contrast between the markings and the surrounding regions. In this context, the term would be readily understood by the skilled artisan to refer to a surface having a low reflectivity, thereby enhancing the visibility of the markings surrounded by such a surface.

In claim 8, the language 'at least two layers are absent, with the exception of at least one layer thereof' has been replaced by the language 'a further layer of polymer material with an inorganic main chain, wherein said further layer surrounds the at least one region which forms said marking in said outer layer.'

In claim 12, the skilled artisan would know the meaning of the term 'hard' from the list of exemplary hard materials provided. The phrase 'such as ...' has been deleted, and the list

of hard materials is now set forth in newly added claim 15. The phrase 'the material of the carrier structure' has been replaced by the phrase 'the carrier is comprised of a hard material of permanent shape'.

In claim 13, the carrier material is specified to be 'a metal or metal alloy, further comprising an anodized layer which supports said outer layer.'

In view of the above arguments and amendments, it is urged that the rejection under 35 USC 112, second paragraph, has been overcome, and should be withdrawn.

Claims 1-7, 9-12 and 14 stand rejected under 35 USC 102(b) over Birmingham Jr. et al. U.S. patent 5,789,466 (hereinafter 'Birmingham').

Birmingham teaches an improvement to a known laser markable fluoropolymer composition containing TiO_2 . Birmingham's improvement involves coating the TiO_2 particles with an organo silane (col. 2, line 23).

Fluoropolymers, such as PTFE, or Teflon®, are carbon-based polymers. See, for example: The Notes for Polymer and Coatings Science-Chapter Two- part six at the following web page: <http://web.umr.edu/~jstoffer/CHEM381/chap26.html>. A copy of the page is attached hereto. Thus, these fluoropolymers are characterized by an organic main chain, not an inorganic main chain, as claimed by Applicant. Accordingly, the claims are not anticipated by the reference, and the rejection should be withdrawn.

Claims 1-6, 8, 11, 12 and 14 stand rejected under 35 USC 102(b) over Robertson U.S. patent 5,855,969.

Robertson teaches a method for the laser marking of a coated surface. Robertson does not explain how the coated surface is obtained. Moreover, Robertson teaches that the surface should be highly reflective (col. 5, line 30).

In contrast, Applicant teaches that the outer surface is preferably formed by a sol-gel process, in order to obtain a very thin outer layer, which enables a sharp delineation of the markings. In addition, the sol-gel process produces a dull-translucent surface. (See page 4, lines 29-33 of the specification).

In view of the above, the limitations of claim 5 with respect to formation of the outer layer by a sol-gel process have been incorporated into claim 1, and claim 5 has been cancelled.

Since Robertson does not teach a marked coating produced by a sol-gel process, the rejection cannot stand and should be withdrawn.

Claim 13 stands rejected under 35 USC 103(a) over Birmingham. Without conceding patentability *per se* of claim 13, it is urged that this claim is patentable by virtue of its dependency. Accordingly, the rejection is in error and should be withdrawn.

In view of the above arguments and amendments, it is felt that the present application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



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APPENDIX

1. An element for a consumer product, the element comprising a carrier and an outer layer, the outer layer formed by a sol-gel process and comprising a polymer material with an inorganic main chain ~~and having certain visual properties, wherein characterized by a marking (4, 5) formed by at least a region (9, 29, 49) of said outer layer has a (3, 23, 43) of which at least one of said visual appearance properties is different from the visual appearance of surrounding corresponding property of other regions of said outer layer (3, 23, 43), wherein the which at least a region forms a marking which is visible to the human eye.~~
2. An element ~~outer layer~~ as claimed in claim 1, wherein said at least ~~a~~ one region (9, 29, 49) forming said marking (4, 5) is substantially integral with the surrounding regions other portions of said outer layer (3, 23, 43).
3. An element ~~outer layer~~ as claimed in claim 1 ~~or 2~~, wherein the different visual appearance at least ~~one~~ of said visual properties of said at least one region (9, 29, 49) forming said marking (4, 5) is achieved by modified through the influence of laser radiation.
4. An element ~~outer layer~~ as claimed in claim 1 ~~any one of the preceding claims, wherein the outer layer (3) is at least dull-translucent.~~
6. An element ~~outer layer~~ as claimed in claim 1 ~~any one of the preceding claims, the outer layer further comprising at least~~

one ~~filler materials (24) with visual properties of which at least one can be changed by means of a laser.~~

7. An element outer layer as claimed in claim 6, the outer layer further comprising fluorided hydrocarbons.

8. An element outer layer as claimed in claim 1 ~~any one of the preceding claims~~, comprising a further layer at least two layers (50, 51) of polymer material with an inorganic main chain, wherein said further layer surrounds at least two layers are absent, with the exception of at least one layer thereof, in the at least one region (49) which forms said marking in said outer layer.

9. An element outer layer as claimed in claim 1 ~~any one of the preceding claims~~, wherein said inorganic main chain has organic lateral branches.

10. An element outer layer as claimed in claim 9, wherein said organic lateral branches comprise methyl groups.

12. An element as claimed in claim 1 ~~11~~, wherein the ~~material of the carrier structure (2; 22; 42)~~ is comprised of a hard material of permanent shape, such as a metal or a metal alloy, a ceramic material, a glass, or hard plastic.

13. An element as claimed in claim 15 ~~12~~, wherein the hard material is selected from metal and metal alloy, and the carrier further comprising an anodized layer which supports said outer layer (3; 23; 43).